

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

BILLY MILES, B75226,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	Case No. 24-cv-1064-DWD
WEXFORD HEALTH CARE,	)	
PERCY MYERS,	)	
JOHN DOE,	)	
DAVID W. MITCHELL,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

DUGAN, District Judge:

Plaintiff Billy Miles, an inmate of the Illinois Department of Corrections (IDOC), currently detained at Menard Correctional Center (Menard), brings this civil rights action pursuant to [42 U.S.C. § 1983](#) for alleged deprivations of his constitutional rights concerning events that transpired at Pinckneyville Correctional Center from 2021-2022. (Doc. 1). On April 16, 2024, the Court reviewed Plaintiff's materials and noted that he failed to disclose six recent strikes. (Doc. 7). Plaintiff was directed to show cause about his non-disclosure of his strikes, and he has now responded. (Doc. 8).

Plaintiff indicated in his response that his failure to disclose his strikes was an honest mistake and a misunderstanding of the Court forms. While this may be true, it does not excuse Plaintiff from the terms of 28 U.S.C. § 1915(g), which do not allow an inmate with three strikes to proceed in forma pauperis (IFP) unless he or she alleges imminent danger. As the Court previously explained, Plaintiff's complaint concerns

events in 2021 and 2022 at a prison different from the one where he is current confined, so he has not made a showing of imminent danger. As such, if Plaintiff wishes to proceed in this matter, he must pay the full filing fee of \$405 by June 10, 2024. Failure to pay the filing fee will result in the dismissal of this action. Plaintiff may also move to voluntarily withdraw this action if he does not wish to proceed.

**Disposition**

**IT IS HEREBY ORDERED THAT** Plaintiff must pay the \$405 filing fee by June 10, 2024, if he wants to proceed. Failure to do so will result in the dismissal of this action.

**IT IS SO ORDERED.**

Dated: May 10, 2024

/s *David W. Dugan*

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DAVID W. DUGAN  
United States District Judge